

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2005

Introduced by Assembly Member Arambula

February 17, 2010

~~An act relating to school districts.~~ *An act to amend Section 45318 of the Education Code, relating to classified school employees.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2005, as amended, Arambula. ~~School districts.~~ *Classified school employees.*

Existing law requires that in every school district coterminous with the boundaries of a city and county, except for certain paraprofessionals, as specified, employees in classified positions be employed pursuant to the provisions of the city and county charter establishing a merit system, if the city and county has a charter that includes such a provision.

This bill instead would make that provision permissive, thereby providing a school district under the conditions described above with discretion as to whether or not to employ persons in those classified positions pursuant to the merit system provisions of the city and county charter.

~~Existing law establishes school districts as the local governmental agencies that are responsible for managing and directing the operation of public schools. Existing law provides that each school district is under the control of a board of school trustees or a board of education. Existing law requires the governing board of each school district to prescribe and enforce rules not inconsistent with law, or with the rules prescribed by the State Board of Education, for its own government.~~

~~This bill would declare the intent of the Legislature to enact legislation that would reaffirm the autonomy of school districts as separate local government entities and the autonomy of the governing board and superintendent of a school district to control and manage the operations of the district, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 45318 of the Education Code is amended*
2 *to read:*

3 45318. In every school district coterminous with the boundaries
4 of a city and county, except for those paraprofessionals excluded
5 from the charter provisions by a resolution adopted by the
6 governing board of that district pursuant to Section 45100,
7 employees not employed in positions requiring certification
8 qualifications ~~shall~~ *may* be employed, if the city and county has a
9 charter providing for a merit system of employment, pursuant to
10 the provisions of that charter providing for that system and ~~shall~~
11 *may*, in all respects, be subject to, and have all rights granted by,
12 those provisions; provided, however, that the governing board of
13 the school district shall have the right to fix the duties of all of its
14 noncertificated employees.

15 ~~SECTION 1. It is the intent of the Legislature to enact~~
16 ~~legislation that would reaffirm the autonomy of school districts as~~
17 ~~separate local governmental entities and the autonomy of the~~
18 ~~governing board and superintendent of a school district to control~~
19 ~~and manage the operations of the district, including, but not limited~~
20 ~~to, all of the following:~~

- 21 ~~(a) The education of pupils in the district.~~
22 ~~(b) Setting policy for the district.~~
23 ~~(c) Controlling and managing school facilities.~~
24 ~~(d) Hiring and firing employees subject to state and federal labor~~
25 ~~laws and any collective bargaining agreements.~~
26 ~~(e) The management and oversight of the district's finances.~~

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